

Appl. No. 10/054,628
Atty. Docket No. 7571RD
Reply Dated Oct. 27, 2005
Reply to Office Action of July 27, 2004
Customer No. 27752

REMARKS

Claims 1-10 are pending in the present application. Claims 1-10 were rejected in the Office Action mailed July 27, 2005. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-5 and 9-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,149,934 to Krzysik (hereafter "Krzysik"). Applicant traverses this rejection on grounds that Krzysik is not prior art. Applicant has attached a declaration by Thomas J. Klofta submitted under 37 C.F.R. § 1.131. As evidenced by the declaration from Mr. Klofta, Applicant's invention was reduced to practice prior to the effective date of Krzysik, which is April 23, 1999. As a result, the Office's rejection is moot given that Krzysik is not prior art to the Applicant's invention.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Krzysik in view of U.S. Patent No. 4,743,238 to Colon et al. (hereafter "Colon"). Given that Krzysik is unavailable as prior art and that Colon fails to teach each and every limitation present in Claim 7 as well as Claim 1 (from which Claim 7 depends), the Office has failed to establish a *prima facie* case of obviousness.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Krzysik in view of U.S. Patent No. 6,066,673 to McIver et al. (hereafter "McIver"). Given that Krzysik is unavailable as prior art and that McIver fails to teach each and every limitation present in Claim 8 as well as Claim 1 (from which Claim 8 depends), the Office has failed to establish a *prima facie* case of obviousness.

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a). Allowance of each

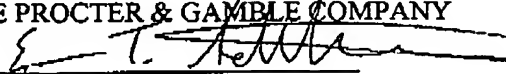
Appl. No. 10/054,628
Atty. Docket No. 7571RD
Reply Dated Oct. 27, 2005
Reply to Office Action of July 27, 2004
Customer No. 27752

of the pending claims is earnestly requested so that the Request for Interference as submitted on January 22, 2002 may be granted.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Eric. T. Addington
Registration No. 52,403
(513) 634-1602

Date: October 27, 2005
Customer No. 27752